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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,399	01/18/2002	Katsuhisa Satoh	CL-9622	2311
21254	7590	04/04/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			CHEN, TIANJIE	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/031,399

Applicant(s)

SATO, KATSUHISA

Examiner

Tianjie Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7, 10-17, 20, 23-26, 28 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 5, 7, 10-17 and 20 is/are allowed.
- 6) ☒ Claim(s) 6, 23-25, 28 and 34 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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2nd Non-Final Rejection

1. The amendment after final rejection filed on 03/18/2005 has been entered
2. Prosecution on the merits of this application is reopened on claims 6, 23-26, 28 and 34 considered unpatentable for the discovering of new prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6, 23-25, 28, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Takamatsu et al (US 6,493,308).

Claims 6 and 23, Takamatsu et al shows a disc player comprising: a positioning unit for positioning a disc; a clamper unit (154+157+158 in Fig. 20) for performing a clamp operation on the disc positioned by the positioning unit; and a drive unit 141 that includes a pickup 147 and a turntable 144 and rotates the disc clamped on the turntable by the clamp unit to take out information from the disc by the pickup; wherein the positioning unit and the clamper unit are provided separately from each other and Fig. 20 shows that the clamper is movable substantially vertically to the drive unit and the positioning unit is also movable substantially vertically (uplifted and lowered; column 18, lines 1-3) to the drive unit wherein the positioning unit is

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designed to position plurality kinds of discs including deferent sizes (column 5, line 62 to column 6, line 2).

Claim 24, Takamatsu et al further shows that the positioning unit positions one of the plurality of discs in a direction parallel to the drive unit when it is positioned on the turntable based on a diameter of the one of maid plurality of discs.

Claim 25, Takamatsu et al further shows that the positioning unit is operable to position the plurality of discs in a direction parallel to the drive unit based on the different diameters of the plurality of discs.

Claim 28, as described above, Takamatsu et al shows a disc player including: a positioning unit for positioning a disc: a clamper unit for performing a clamp operation on the disc positioned by the positioning unit: and a drive unit that includes a pickup and a turntable, and routes the disc clamped on the turntable by the clamp unit to take out information from the disk by the pickup, wherein the positioning unit and the clamper unit are provided separately from each other and are movable substantially vertically to the drive unit, wherein the positioning unit positions the disc in a direction parallel to the drive wherein the disc comprises one of a plurality of discs comprising different diameters, and wherein the positioning unit positions one of the plurality of discs in a direction parallel to the drive unit based on a diameter of the one of the plurality of discs such that the one of the plurality of discs is aligned with the drive unit for rotating by the drive unit.

Claim 34, as described above, Takamatsu et al shows a disc player comprising: means for positioning a disc in a lateral direction for rotating by a drive unit and to take out information from the disc by a pickup of the drive unit and means for performing a vertical clamping operation on the disc after the disc is laterally

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positioned for rotating the disc on a turntable of the drive unit, wherein the means for positioning and the means for clamping are provided separately from each other and movable substantially vertically to the drive unit, wherein the disc comprises one of a plurality of discs including different diameters, and wherein the means for positioning comprises means for positioning in a lateral direction the one of the plurality of discs including different diameters for rotating by the drive unit.

Allowable Subject Matter

4. Claims 4, 5, 7, 10, 11-17, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claims 4, 5, 11, and 12 as the closest reference, Takamatsu et al (US 6,493,308) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members; **but fails to show** they comprise fit pawls that are integrally formed by bending and erecting.
- With regard to claims 14, and 15; as the closest reference, Takamatsu et al (US 6,493,308) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members; **but fails to show** wherein a step plate equipped to the positioning unit and a clamp plate equipped to the clamper unit are engaged with a cam groove of a cam plate movable in parallel to a drive plate

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equipped to the drive unit and are movable vertically to the drive plate by movement of the cam plate,.

- With regard to claims 7, 16, and 17; as the closest reference, Sakurai (6,345,030) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members which are provided to the step plate and the clamp plate and engaged with the cam grooves of the cam plate; **but fails to show that** the positioning unit has a step plate, a G plate which is freely rotatably provided to the step plate and has, at one end thereof, a disc stopper on which a disc can be supported, and a sensor arm having, at one end thereof, an arm rod that can be fitted to the disc, the fitting positions of the other ends of the G plate and the sensor arm being changeable in accordance with plural discs different in diameter so that the discs can be positioned.
- With regard to claims 10 and 20; as the closest reference, Sakurai (6,345,030) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members which are provided to the step plate and the clamp plate and engaged with the cam grooves of the cam plate; **but fails to show** that the moving amount of the positioning unit is set so that a vibration-isolation stroke can be kept, and the moving amount of the clamper unit is set so that the vibration-isolation stroke can be kept and the clearance between the clamper unit and the clamper ring for clamping the disc onto the turntable can be kept.
- With regard to claim 26, as the closest reference, Sakurai (6,345,030) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members which are provided to the step plate and the clamp plate and engaged with the cam grooves of the cam plate; **but fails to show** a disc stopper on

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which a disc can be supported; and a sensor arm including at one end thereof, an arm rod that can be fitted to the disc, wherein the fitting positions of other ends of the plate and the sensor arm are changeable in accordance with the plurality of discs comprising different diameters such that any one of the plurality of discs including different diameters can be positioned in the direction parallel to the drive unit for rotating by the drive unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TIANJIE CHEN
PRIMARY EXAMINER